

REMARKS

Claims 1 and 12 are amended to correct spelling errors.

This reply is accompanied by a Declaration under 37 CFR 1.132 of James Gambino.

The rejection of claims 1 and 10 under 35 USC 112, first paragraph as lacking written description is respectfully traversed. Claims 1 and 10 recite a polysaccharide resin having a molecular weight of less than 500,000. As shown in the declaration of James Gambino, those of ordinary skill in the art would have understood that the Lorama polysaccharides described on page 9 of the specification had a molecular weight of less than 500,000. Reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 1, 3, 5, and 9 – 14 under 35 USC 103(a) over Derrick, US Patent 3,893,847 is also respectfully traversed. Derrick describes agglomerates comprising a finely ground mineral, an effective amount of a high molecular weight substantially straight chain water soluble polymer, and water. As noted by the Examiner, Derrick only discloses polymers having a molecular weight of 500,000 or greater. This is in contrast to the claimed invention, which requires a polysaccharide resin having a molecular weight of less than 500,000. Additionally, Derrick discloses that the suitable amount of polymer is from 0.001 lb to 10 lbs. per ton. (See Col. 2, lines 38 – 51 of Derrick.) This corresponds to an upper limit of 0.5 wt% relative to the weight of the ground mineral. Derrick further teaches that preferably the composition has an upper weight limit of

polymer of 0.25 wt%, and more preferably an upper weight limit of 0.1%. By contrast, the claimed invention requires a polysaccharide content of at least 0.5 wt% relative to the weight of coal dust. Further, Derrick provides no suggestion or disclosure of the unexpected result that a synthetic fuel having a higher BTU content than natural coal can be achieved by forming a composition of coal dust and a polysaccharide resin, as required by the claimed invention. Thus, for at least these reasons, reconsideration and withdrawal of the rejection are requested.

In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080395.52533US).

June 22, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence E. Carter", written over a horizontal line.

James F. McKeown
Registration No. 25,406
Lawrence E. Carter
Registration No. 51,532

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844